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## Appeal Decision

Site visit made on 16 February 2012

by **M T O'Rourke BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 February 2012

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### Appeal Ref: **APP/Q1445/D/11/2167680**

#### **27 Florence Road, Brighton BN1 6DL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Wendy Twigger against the decision of Brighton & Hove City Council.
  - The application Ref BH2011/02560, dated 19 August 2011, was refused by notice dated 11 November 2011.
  - The development proposed is demolition of part of front garden wall and rebuilding in identical style. Existing wall and gatepost measurement approximately 5m 30cm long; following alteration 4m 42cm long (width of driveway before approx 2m 35cm, after alterations approx 3m 10cm).
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#### **Procedural Matters**

1. The description in the box above is taken from the application form. The Council has used a shorter and simpler description of the development as '*demolition of part of front boundary wall and gatepost and rebuilding to widen driveway. (Retrospective).*' I have determined the appeal on that basis.

#### **Application for costs**

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

#### **Decision**

3. The appeal is allowed and planning permission is granted for demolition of part of front boundary wall and gatepost and rebuilding to widen driveway. (Retrospective) at 27 Florence Road, Brighton BN1 6DL in accordance with the terms of the application, Ref BH2011/02560, dated 19 August 2011.

#### **Main Issue**

4. Florence Road is within the Preston Park Conservation Area which has an Article 4 Direction removing permitted development in respect of single dwelling houses so that alteration to the boundary walls need planning permission. The main issue is therefore the effect of the development on the host property, on the townscape and on the character and appearance of the Conservation Area.

## Reasons

5. No. 27 is an attractive semi detached house, one of a set of 3 similar pairs of houses set down the hill on the north side of Florence Road. The front entrance doors and paths to Nos. 27 and 29 are paired in the centre and each has a front garden with a wider opening giving access to the side.
6. Works were carried out last year to widen the side access by removing a section of the front boundary wall, relocating the gate pier and rebuilding the side retaining wall to the garden to provide a wider area in which to park a car.
7. Evidence from the appellant is that there had been a garage (now removed) in the rear garden, access to which was gained from this side driveway which was then used as an off-street parking space. Although not universal this is a common arrangement in the street and a number of the houses have side openings and driveways of varying widths and treatments, not just the larger properties at the lower end of Florence Road. Indeed No. 25, which is set down the hill, has a garage and driveway at the side.
8. Low front boundary walls separated by brick piers/pillars are a distinctive feature of many of the properties in Florence Road. However frontage widths and treatments vary and the piers and gateways are not all spaced at regular intervals. Rather it is the contrast between the taller piers and low walls, particularly when looking down the hill, which creates the street rhythm, forms an attractive part of the townscape and contributes to the character and appearance of the Conservation Area.
9. The Conservation Area Character Statement does not specifically mention the front walls and piers as being a key feature of Florence Road, but saved policies HE6 and HE8 of the Brighton and Hove Local Plan (LP) and the Council's Supplementary Planning Document (SPD 09) on Architectural Features generally resist the loss of such features in Conservation Areas. However the SPD advises that alterations to walls can be acceptable where original patterns, materials and details appropriate to the property are proposed.
10. In this case, the pier has been rebuilt in the original brick and to its original height and detailing, and the only issue is its new position. Although the pier no longer aligns with the side elevation of the house, I did not find this to be a particularly consistent or important feature in the townscape. The pier is still located to the outside of the bay and the Council's Conservation and Design Officer advised that *'the works retain a substantial and coherent front boundary treatment that relates to the front elevation of the house'* and *'have not unduly unbalanced the semi-detached pair'*. I agree. The rebuilt pier and associated low walling continue to provide the contrast that contributes to the townscape. The slight reduction in the front garden is not noticeable and the works do not harm the character or appearance of the Conservation Area.
11. Both parties referred to the 2010 appeal decision at 5 Florence Road which allowed works that involved significant changes to the front boundary including the loss of a length of wall, an additional pier and reinstatement of flower beds and a Victorian pedestrian path. In that No. 5 is a detached property with a wide frontage and the front garden was already used for parking, it does not set an example for the current development. However it is illustrative of the variety of boundary treatments that can be seen along Florence Road of which the changes at No. 27 make up a minor element.

12. The Council has concerns that if alterations similar to those at No. 27 were replicated in the street it could erode the special character of the townscape and set an undesirable precedent for further proposals in Florence Road. Similar works have taken place at No. 31 up the hill and permission has been refused for a hardstanding at No 33. These are the subject of separate appeals. The Council has also referred to the recent refusal at No. 21. That is a larger double fronted property and proposed the removal of nearly 5m of wall and a hardstanding in front of the bay and is quite different in scale and impact to this appeal proposal.
13. The Article 4 Direction allows the Council to consider each proposal on its own individual merits having regard to the current arrangements and the surrounding townscape. The Council's own Conservation and Design Team has adopted a pragmatic approach to these works. I take a similar view. As I have concluded that the works subject of the current appeal are acceptable, they would not set an undesirable precedent and the schemes at Nos. 27, 31 and 33 would not have an adverse cumulative effect on the townscape.
14. I conclude that the appeal works are not harmful to the character and appearance of the host property, the townscape or the Conservation Area, and thus accord with the objectives and requirements of policies HE6 and HE8 of the LP. There are no works to any trees or hedgerows and thus policy QD16 is not relevant.
15. As the works have been carried out no conditions have been suggested or are necessary. I have taken into account all other matters raised including the concern at the loss of on-street parking but as there was previously a hardstanding there has been no change. I find none to be of such weight as to override the considerations that have lead to my conclusion, for the reasons given above, that the appeal should be allowed.

*Mary O'Rourke*

Inspector

